

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOEL IRIZARRY,

Plaintiff,

DECISION AND ORDER

10-CV-6398L

v.

WARDEN DUKE TERRELL,

Defendant.

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I treat the Government's letter of January 19, 2011 (Dkt. #11) as a motion to vacate the entry of default entered in this case on December 9, 2010 (Dkt. #9). That motion is granted.

The Clerk's entry of Default (Dkt. #9) is vacated.

Plaintiff's motion for a default judgment (Dkt. #10) is denied.

The Government is directed to respond and answer plaintiff's petition to reduce his sentence within twenty (20) days of entry of this Decision and Order.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
January 21, 2011.